

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C) .No. 35320 of 2005 (D)

PETITIONER:

K.R.ASHOK KUMAR, AGED 40 YEARS,
S/O.KUMARAN, ROAD VILA VEEDU,
VELICHIKKALA P.O. KOLLAM, NOW WORKING AS U.D.HEAD
CLERK, TOWN EMPLOYMENT EXCHANGE, SHORANUR,
PALAKKAD.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE
DISTRICT COLLECTOR, COLLECTORATE,
KOLLAM.
2. THE BRANCH MANAGER, KERALA STATE
FINANCIAL ENTERPRISES, KILIKOLLOOR BRANCH,
KOLLAM 5.
3. P.RATNAMMA, D/O.NEELAKANDAN, CLERK,
AGED ABOUT 50 YEARS, INDIAN OVERSEAS BANK,
CHINNAKKADA, KOLLAM.
4. ASHOKA BABU, CLERK, INDIAN OVERSEAS
BANK, CHINNAKKADA BRANCH, KOLLAM.
5. THE DISTRICT EMPLOYMENT OFFICER,
TOWN EMPLOYMENT OFFICE, SHORNUR, PALAKKAD.

R2 BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.

R1 BY GOVT.PLEADER SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON I.A.NO.226/2007 IN W.P.(C).NO.35320/2005

DISMISSED

9/1/2007

Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1	TRUE COPY OF THE NOTICE DTD. 9/4/2001.
EXT.P2	TRUE COPY OF THE CERTIFICATE DTD. 17/10/2005 ISSUED BY THE DISTRICT EMPLOYMENT OFFICER, KOLLAM.
EXT.P3	TRUE COPY OF THE JUDGMENT IN W.P.(C). NO.24340/2003 DTD. 5/8/2003.
EXT.P4	TRUE COPY OF THE SALARY CERFICATE DTD. ` 20/10/2006

P.R.RAMAN, J.

W.P. (C) .NO.35320 OF 2005

Dated this the 9th day of January, 2007

JUDGMENT

Petitioner is a surety in a chitty conducted by the K.S.F.E. in which the 3rd respondent was a subscriber. Respondent No.4 was also a surety. On committing default, a portion of the salary of the petitioner was recovered directly by the Branch Manager, K.S.F.E. as enabled by the agreement. According to the petitioner, an amount of Rs.45,000/- has already been recovered.

2. The learned Standing Counsel for the K.S.F.E. on instructions submits that they have already proceeded against the property of the principal debtor. He further submits that in case the amount could not be recovered fully, the right to recover whatever

W.P.(C).NO.35320/2005

outstanding due from the petitioner may be left open.

3. In the circumstances, there will be a direction that for the time being further recovery as stayed by this Court will continue and in case the 2nd respondent could not recover the amount from the properties belonging to the principal debtor and also proceed against other sureties, it will be open to the 2nd respondent to proceed against the petitioner afresh.

Writ Petition is closed.

P . R . RAMAN ,
Judge .

kcv.